

REMARKS

Claims 1-12 and 14-23 are pending in the application. Claims 16-23 are newly added. The newly added claims are fully supported by the specification and no new matter has been added. In particular, Claims 16 is supported by originally filed Claim 1 and paragraphs [0008] and [0032]. Claim 17 is supported by originally filed Claim 2 and paragraph [0028]. Claim 18 is supported by originally filed Claim 3 and paragraph [0017]. Claim 19 is supported by originally filed Claim 4 and paragraph [0014]. Claim 20 is supported by originally filed Claim 5 and paragraph [0016]. Claim 21 is supported by originally filed Claim 6 and paragraphs [0019] and [0022]. Claim 22 is supported by originally filed Claim 7 and paragraph [0021]. Claim 23 is supported by originally filed Claims 1 and 5 and paragraph [0016].

Claim Rejections – 35 U.S.C. § 112

Claims 14 and 15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner found that the “computer readable medium” recited in Claims 14 and 15 is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully traverses.

Applicant acknowledges that the phrase “computer readable medium” does not appear *ipsis verbis* in the specification. However, the test for sufficient description is not whether the phrase at issue appears verbatim in the specification. *Application of Wertheim*, 541 F.2d 257 (P.App. Cir. 1976). The test is whether or not one having ordinary skill in the art would recognize that the Applicant was in possession of the invention. (MPEP § 2163.02). Applicant respectfully submits that in view of the disclosure in the specification, one of ordinary skill in the art would understand that Applicant had possession of a computer readable medium.

In particular, paragraph [0008] of the originally filed specification recites a “memory storage device coupled to the processor, the memory storage device operative to store a plurality of computer readable instructions.” Applicant respectfully submits that the recitation of “computer readable instructions” stored in a “memory storage device” demonstrates possession of a computer readable medium. Applicants note that originally filed claim 12 recites similar language.

Further, paragraph [0032] of the originally filed specification recites “[a]n exemplary storage medium is coupled to the processor such the processor can read information from, and write information to, the storage medium.” Applicant respectfully submits that recitation of a “medium” from which “the processor can read information” demonstrates possession of a computer readable medium.

Applicant respectfully submits that in view of the above, Claims 14 and 15 satisfy the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicant respectfully requests that the Examiner allow the pending claims. However, should the Examiner maintain the rejection of Claims 14 and 15 over § 112, Applicant respectfully reminds the Examiner that “the examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims.” (MPEP § 2163).

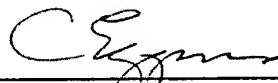
CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is cordially invited to telephone the undersigned at the number provided below.

The Commissioner is authorized to charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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